

1 body and on the clothing of Maria Gonzalez?
 2 A No.
 3 Q And do you understand that DNA
 4 evidence has the ability in certain situations to
 5 definitively exclude someone as the donor of
 6 biological substances?
 7 A Yes.
 8 Q Are you aware that in this case, the
 9 victim, Maria Gonzalez, alleges that the same person
 10 who -- or alleged at trial that the same person who
 11 sexually assaulted her also bit her?
 12 MR. KRAUSE: Can I have that question read
 13 again?
 14 (WHEREUPON, the Record was read as
 15 follows:
 16 "Question: Are you aware that in
 17 this case, the victim, Maria
 18 Gonzalez, alleges that the same
 19 person who -- or alleged at trial
 20 that the same person who sexually
 21 assaulted her also bit her?"
 22 THE WITNESS: I don't know about the trial. I
 23 haven't read her transcript. But she told me that
 24 the person who was assaulting her bit her.

1 BY MR. STAINTHORP:
 2 Q But when she told you that -- this was
 3 when you saw her in the hospital and took the photos,
 4 right?
 5 A That's the only time I saw her.
 6 Q Right. Did she tell you that the
 7 person who was attacking her had raped her?
 8 A No, she didn't say that to me.
 9 Q Did she say that he had sexually
 10 assaulted her in any manner?
 11 A Did not tell any -- anything about a
 12 sexual assault. She was being assaulted.
 13 MR. STAINTHORP: Okay. I think that's all I
 14 have.
 15 MR. KRAUSE: Hooray. Do you guys have
 16 anything? Don't be shy.
 17 MR. TROBE: I have just a couple of questions
 18 of the witness.
 19 MR. KRAUSE: Okay. Do you have anything?
 20 MR. KARAVIDAS: I have just a few.
 21 MR. KRAUSE: Okay. Go ahead.
 22 He represents the City.
 23 MR. TROBE: I represent the City of Waukegan
 24 police officers.

1 EXAMINATION
 2 BY MR. TROBE:
 3 Q When you were taking the --
 4 participating in taking the photos of Maria Gonzalez,
 5 you held the ruler; is that correct?
 6 A Yes, I held the ruler.
 7 Q And you determined the position of
 8 where the ruler was going to be held; is --
 9 A Yes, I did.
 10 Q -- that correct? And you directed the
 11 officer in what photographs you wanted taken; isn't
 12 that correct?
 13 A Basically.
 14 Q All right. You were in charge of
 15 collecting the forensic evidence in this case for the
 16 bite mark identification?
 17 A Well, I was kind of co-in charge with
 18 the evidence technician taking the -- the --
 19 Q The photographs?
 20 A The photographs. Yeah. We worked
 21 together to get the photos we needed with and without
 22 rulers.
 23 Q The photographs, once they were
 24 developed, were they of sufficient quality for you to

1 make your comparisons?
 2 A Yes.
 3 Q You didn't ask them to take other
 4 photographs?
 5 A No.
 6 Q Did you ever ask Waukegan Police
 7 Department after the initial taking of photographs of
 8 Maria Gonzalez to provide you with any additional
 9 photographs?
 10 A No.
 11 Q Did you feel you needed additional
 12 photographs in order to make your comparisons?
 13 A No.
 14 Q The collection of the additional
 15 forensic evidence, that being the cast, that was at
 16 your direction; is that --
 17 A Yes, sir.
 18 Q -- correct? Did the City of Waukegan
 19 or the Waukegan Police Department advise you as to
 20 how to perform your work in this case?
 21 A No. I was completely independent.
 22 Q They had no role in advising you as to
 23 how to conduct your investigation or as to what your
 24 results would be; is that correct?

1 A They had no role in what I did. They
2 didn't tell me what they wanted me to do. They had
3 no role whatsoever in what I did.

4 MR. TROBE: Thank you. I have no other
5 questions.

6 MR. KRAUSE: Do you have more questions?

7 MR. STAINTHORP: Nope.

8 MR. KRAUSE: I have some. I'm going to try to
9 rapidly go through this. Everybody looks tired.

10 EXAMINATION

11 BY MR. KRAUSE:

12 Q How are you doing, Russ?

13 A Okay.

14 Q Dr. Schneider, how old are you today?

15 A I'm 68. I'll be 69 in -- I'm 68
16 today.

17 MS. REPORTER: I'm sorry. You'll be 69 in? I
18 didn't hear you.

19 THE WITNESS: No. I didn't say.

20 MS. REPORTER: Oh. I'm sorry.

21 THE WITNESS: I just said, "I'll be 69 in --
22 I'm 68 today."

23 (WHEREUPON, there was laughter.)

24 BY MR. KRAUSE:

1 different angles, to get a three-dimensional look and
2 study of it, which you cannot do from two-dimensional
3 pictures.

4 Q Is that why you went to the hospital
5 to see the victim?

6 A That's one of the reasons. I wanted
7 to see the bite mark itself. That's important, I
8 believe, to actually look at the bite mark. Also, to
9 see if any information could be picked up from the
10 victim, see if that would help me with my evidence
11 collection and my analysis. I also went to the
12 hospital to feel sure that the photos were taken
13 correctly, that they are done with and without a
14 scale, the scale was in the right place, and that the
15 camera was in the right place when the photos were
16 being taken.

17 Q Mr. Trobe asked you if anyone assisted
18 you in the development your opinions. Did anyone?

19 A No. I made my opinions, my own,
20 independently. I did not consult with anyone for my
21 opinions. Those are my opinions made with a
22 reasonable degree of medical certainty after studying
23 all the materials and based on my knowledge and
24 training.

299

1 Q What is your profession?

2 A I'm a general dentist. I'm licensed
3 to practice dentistry in Illinois.

4 Q How long have you held that licensure?

5 A Since 1972.

6 Q Do you specialize in any area of
7 dentistry?

8 A No. I practice general dentistry.

9 Q What does that include?

10 A It includes all aspects of dentistry.
11 I'm entitled -- I'm licensed to perform anything and
12 everything in dentistry, including services that
13 specialists give.

14 Q When you're treating patients, are you
15 treating pictures?

16 A No.

17 Q Do you have the patients in your chair
18 and you're looking at their teeth, live?

19 A Yes.

20 Q How important in forensic dentistry is
21 live visualization of bite marks and/or dentition?

22 A I think it's essential. I think it's
23 important to see the person or the victim with the
24 bite mark, to look at it yourself, to look at

301

1 Q So you're not a medical doctor,
2 correct?

3 A Correct.

4 Q I know a lot of people use the phrase
5 differently. When you use the phrase "reasonable
6 degree of medical certainty," is that, in your mind,
7 synonymous to a reasonable degree of either dental
8 certainty or odontology certainty?

9 A I say so. It's used because that's
10 the recommended term in our guidelines now, to use
11 that qualifier.

12 Q When you were asked to be engaged in
13 this case, how old were you?

14 A Forty.

15 Q At any time during the time period
16 that you testified as a forensic odontologist in a
17 criminal proceeding, have you ever been disqualified
18 or found unqualified to be a forensic expert?

19 A No.

20 Q Do you recall in the criminal trial of
21 Bennie Starks whether or not the defense had engaged
22 a counter --

23 A There was no --

24 Q -- expert on forensic odontology --